



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,783	01/23/2004	Scott F. Watson	54317-048500	9741

46560 7590 12/08/2006

THE WALT DISNEY COMPANY  
C/O GREENBERG TRAURIG LLP  
2450 COLORADO AVENUE SUITE 400E  
SANTA MONICA, CA 90404

EXAMINER
----------

WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/764,783	<b>Applicant(s)</b> WATSON, SCOTT F.	
	<b>Examiner</b> Liang-che Alex Wang	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) 31-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-90 are pending.
2. Claims 31-90 are withdrawn on Response to Restriction Requirement filed on 11/13/2006.
3. Claims 1-30 are elected without traverse for examination.

### *Specification*

4. The abstract of the disclosure is objected to because The Abstract is too long and not in a single paragraph. Correction is required. See MPEP § 608.01(b).
5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to **a single paragraph** on a separate sheet within the range of 50 to 150 words. It is important that the abstract **not exceed 150 words** in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The disclosure is objected to because of the following informalities: Page 7, line 13, discloses "240, 260, and 270 and data store 270", the phrase "and 270" should be removed. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 21-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. See MPEP § 2106.01. Claims 21-30 recites “an article of manufacture comprising a computer program carrier readable by a computer”, however, a computer program having code recorded on a computer readable medium such as carrier wave or optical wave is not tangible since such computer transport medium does not fall into the categories of “process”, “machine”, “manufacture” and “composition of matter”. Furthermore, the computer program stored on carrier wave is not operable if not executed by a computer or system. Therefore, the inoperative of the computer program stored on a computer transport medium lacks utility. Intrinsic evidence as disclosed in page 13 lines 16-22 of the specification.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-6, 11-16, 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by

Edwards et al., US Patent Number 6,591,288, hereinafter Edwards.

11. Referring to claim 1, Edwards teaches a method of providing data to a user

(subscriber/user) of a client computer (PC 4' corresponds to "a client computer")

connected to multiple data stores (caches of PC 4', PC 4" and server 26) and multiple

other computers (PC 4" and server 26)(see figure 2 and Col 5 line 46 – Col 6 line 11), the

method comprising the steps of:

receiving a request for data (the requested page corresponds to the "data") at the client computer (Col 5 lines 47-51, user is making a request at a PC for a page from the Internet);

forwarding the request from the client computer to a server computer (Col 5 lines 47-53, user makes a request for a page from the Internet; the request is transmitted over the network);

intercepting the request at a reverse proxy caching connection (Col 5 lines 51-53, server 26 corresponds to "a reverse proxy caching connection", and server 26 intercepts this request); and

attempting to locate the data at a data store (cache 28) at the reverse proxy caching connection (Col 5 lines 51-53, server 26 determines whether the requested data is stored in cache 28; Col 5 line 66-Col 6 line 1, if the requested page is not stored in the cache, the server 26 interrogates the Internet to retrieve the requested page).

12. Referring to claim 2, Edwards teaches the method of claim 1, further comprising:

determining that the data is not in the data store at the reverse proxy caching connection (Col 5 lines 51-53, server 26 determines whether the requested data is stored in cache 28); and

attempting to retrieve the data from the server computer (Col 5 line 66-Col 6 line 1, if the requested page is not stored in the cache, the server 26 interrogates the Internet to retrieve the requested page

13. Referring to claim 3, Edwards teaches the method of claim 2, further comprising:

at the reverse proxy caching connection, receiving data from the server computer (Col 5 line 66 – Col 6 line 1, reverse proxy caching connection 26 retrieves the requested page from the Internet);

storing a copy of data in the data store at the reverse proxy caching connection (Col 6 lines 1-11, reverse proxy caching connection 26 downloads the retrieved requested page);

forwarding the data to the client computer (Col 6 lines 7-11, the requested page is downloaded on to client computer 4).

14. Referring to claim 4, Edwards teaches the method of claim 1, further comprising, prior to forwarding the request, attempting to locate the data at a data store (cache 24) at the client computer (Col 2 lines 24-30, if the requested page is stored at cache 24 in the PC's hard drive, the page would appear on client's screen immediately).

15. Referring to claim 5, Edwards teaches the method of claim 4, wherein the data store is a cache (figure 2 item 28, Col 5 lines 15-26.)

16. Referring to claim 6, Edwards teaches the method of claim 4, wherein the data store is a database (Figure 2, cache 28 corresponds to a database that stores web pages).

17. Referring to claim 11, Edwards teaches a method of providing data to a user

(subscriber/user) of a client computer (PC 4' corresponds to "a client computer"), comprising:

a client computer (PC 4' corresponds to "a client computer") connected to multiple data stores (caches of PC 4', PC 4" and server 26) and multiple other computers (PC 4" and server 26) (see figure 2 and Col 5 line 46 – Col 6 line 11),

one or more computer programs, performed by the client computer and multiple other computers, for receiving a request for data (the requested page corresponds to the "data") at the client computer (Col 5 lines 47-51, user is making a request at a PC for a page from the Internet),

forwarding the request from the client computer to a server computer (Col 5 lines 47-53, user makes a request for a page from the Internet; the request is transmitted over the network),

intercepting the request at a reverse proxy caching connection (Col 5 lines 51-53, server 26 corresponds to "a reverse proxy caching connection", and server 26 intercepts this request), and

attempting to locate the data at a data store (cache 28) at the reverse proxy caching connection (Col 5 lines 51-53, server 26 determines whether the requested data is stored in cache 28; Col 5 line 66-Col 6 line 1, if the requested page is not stored in the cache, the server 26 interrogates the Internet to retrieve the requested page).

18. Referring to claim 12, Edwards teaches the apparatus of claim 11, further comprising:

determining that the data is not in the data store at the reverse proxy caching connection (Col 5 lines 51-53, server 26 determines whether the requested data is stored in cache 28); and

attempting to retrieve the data from the server computer (Col 5 line 66-Col 6 line 1, if the requested page is not stored in the cache, the server 26 interrogates the Internet to retrieve the requested page).

19. Referring to claim 13, Edwards teaches the apparatus of claim 12, further comprising:

at the reverse proxy caching connection, receiving data from the server computer (Col 5 line 66 – Col 6 line 1, reverse proxy caching connection 26 retrieves the requested page from the Internet);

storing a copy of data in the data store at the reverse proxy caching connection (Col 6 lines 1-11, reverse proxy caching connection 26 downloads the retrieved requested page);

forwarding the data to the client computer (Col 6 lines 7-11, the requested page is downloaded on to client computer 4).

20. Referring to claim 14, Edwards teaches the apparatus of claim 11, further comprising,

prior to forwarding the request, attempting to locate the data at a data store (cache 24) at the client computer (Col 2 lines 24-30, if the requested page is stored at cache 24 in the PC's hard drive, the page would appear on client's screen immediately).

21. Referring to claim 15, Edwards teaches the apparatus of claim 14, wherein the data store is a cache (figure 2 item 28, Col 5 lines 15-26).

22. Referring to claim 16, Edwards teaches the apparatus of claim 14, wherein the data store is a database (Figure 2, cache 28 corresponds to a database that stores web pages).



23. Referring to claim 21, Edwards teaches an article of manufacture comprising a computer program carrier readable by a computer and embodying one or more instructions executable by the computer to perform method steps for providing data to a user (subscriber/user) of a client computer (PC 4' corresponds to "a client computer") connected to multiple data stores (caches of PC 4', PC 4" and server 26) and multiple other computers (PC 4" and server 26)(see figure 2 and Col 5 line 46 – Col 6 line 11), comprising:

receiving a request for data (the requested page corresponds to the "data") at the client computer (Col 5 lines 47-51, user is making a request at a PC for a page from the Internet);

forwarding the request from the client computer to a server computer (Col 5 lines 47-53, user makes a request for a page from the Internet; the request is transmitted over the network);

intercepting the request at a reverse proxy caching connection (Col 5 lines 51-53, server 26 corresponds to "a reverse proxy caching connection", and server 26 intercepts this request); and

attempting to locate the data at a data store (cache 28) at the reverse proxy caching connection (Col 5 lines 51-53, server 26 determines whether the requested data is stored in cache 28; Col 5 line 66-Col 6 line 1, if the requested page is not stored in the cache, the server 26 interrogates the Internet to retrieve the requested page).

24. Referring to claim 22, Edwards teaches the article of manufacture of claim 21, further comprising:

determining that the data is not in the data store at the reverse proxy caching connection (Col 5 lines 51-53, server 26 determines whether the requested data is stored in cache 28); and

attempting to retrieve the data from the server computer (Col 5 line 66-Col 6 line 1, if the requested page is not stored in the cache, the server 26 interrogates the Internet to retrieve the requested page).

25. Referring to claim 23, Edwards teaches the article of manufacture of claim 22, further comprising:

at the reverse proxy caching connection, receiving data from the server computer (Col 5 line 66 – Col 6 line 1, reverse proxy caching connection 26 retrieves the requested page from the Internet);

storing a copy of data in the data store at the reverse proxy caching connection (Col 6 lines 1-11, reverse proxy caching connection 26 downloads the retrieved requested page);

forwarding the data to the client computer (Col 6 lines 7-11, the requested page is downloaded on to client computer 4).

26. Referring to claim 24, Edwards teaches the article of manufacture of claim 21, further comprising, prior to forwarding the request, attempting to locate the data at a data store (cache 24) at the client computer (Col 2 lines 24-30, if the requested page is stored at cache 24 in the PC's hard drive, the page would appear on client's screen immediately).
27. Referring to claim 25, Edwards teaches the article of manufacture of claim 24, wherein the data store is a cache (figure 2 item 28, Col 5 lines 15-26).

28. Referring to claim 26, Edwards teaches the article of manufacture of claim 24, wherein the data store is a database (Figure 2, cache 28 corresponds to a database that stores web pages).

***Claim Rejections - 35 USC § 103***

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 7, 9, 10, 17, 19, 20, 27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in views of Sass, US Patent Number 6,823,225, hereinafter Dao.
31. Referring to claims, 7, 17, and 27, Edwards teaches an invention as described in claims 6, 16, and 26, and Edwards teaches the data stored in the database (requested page stored in the cache) is updated from Internet (Col 5 lines 59-53).

Edwards does not teach wherein the data is transmitted by a satellite.

However, Sass teaches a system for allowing user to retrieve audio information from a server or source on a communication network (Col 1 lines 14-21), and data could be transmitted in a mean of communication satellites (Col 2 lines 27-29; Col 3 lines 1-5).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Edwards such that wherein the data in the database is retrieved by a satellite because Edwards teaches a system for retrieving

Art Unit: 2155

data from remote sources to a database, and Sass suggests a variety of communication means for the data transmission between database and sources of Edwards' system.

A person with ordinary skill in the art would have been motivated to make the modification to Edwards because having the data being updated by satellite would allow information to be much more effectively provided to the user as taught by Sass (Col 1 lines 65-67)

32. Referring to claim 9, 19, and 29, Edwards teaches an invention as described in claims 1, 11, and 21. Edwards teaches information data being retrieved from data networks (Col 3 lines 29-37).

Edwards does not teach wherein the data comprises one or more music files, and further comprising: receiving a playlist specifying music files; and while playing one of the music files that has already been retrieved, retrieving additional music files.

Sass teaches, wherein the data comprises one or more music files (Col 1 lines 14-21, Sass teaches a system for distributing audio information, audio files corresponds to "music files"), and further comprising: receiving a playlist specifying music files (Col 7 lines 17-19, the receiver receives a list of audio programs for user to select); and while playing one of the music files that has already been retrieved, retrieving additional music files (Col 13 lines 15-19, the receiver is programmed to simultaneously receive and play the audio content).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the audio data to be the data in Edwards' system because Edwards teaches a network system for distributing data (Edwards, Col 1 lines 6-

Art Unit: 2155

13), and Sass suggests the distributed data in a network system to be audio data (Sass, Col 1 lines 14-21).

A person with ordinary skill in the art would have been motivated to make the modification to Edwards to provide user a much greater degree of flexibility and to allow information to be more effectively provided as taught by Sass (Col 1 lines 49-67).

33. Referring to claim, 10, 20, and 30, Edwards and Sass in combination teaches the invention as described in claims 9, 19 and 29, Sass further teaches wherein the music files are played using a media player (media player 33, figure 1 and figure 3; Col 10 lines 62-63).

34. Claims 8, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards in views of Bakshi et al, US Patent Number 6,311,215, hereinafter Bakshi. Edwards teaches an invention as described in claims 1, 11, and 21.

Edwards does not teach prior to intercepting the request, determining whether the data is located at a firewall.

Bakshi teaches prior to intercepting the request, determining whether the data is located at a firewall (Col 8 lines 56-64 and figure 4, HTTP local proxy 48 corresponds to "firewall" (proxy server by definition is a firewall component that manages Internet traffic to and from a LAN), Bakshi teaches prior to the request is sent to the remote proxy 34, the system checks if the data is cached in the HTTP local proxy 48).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the local proxy (firewall) of Bakshi into Edwards' system, because Edwards teaches a data network to provide accelerated access to data

(see title of Edwards) and Bakshi suggests a local proxy to provide faster data retrieval (Col 8 lines 56-64).

A person with ordinary skill in the art would have been motivated to make the modification to allow to Edwards 's system to dynamically determine the communication capabilities of an entity as taught by Bakshi (Col 1 lines 59-63).

### *Conclusion*

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).
36. Bakshi et al., US Patent Number, 6,345,300, teaches a firewall proxy and a network proxy lie between clients and content servers (figure 1).
37. Knauerhase, US Patent Number, 6,237,037, teaches system for dynamically controlling a proxy (see title).
38. Antur et al., US Patent Number, 6,243,815, teaches a method for managing firewalls and security devices.
39. Clark et al., US Patent Number 6,442,588, teaches a method for administering a dynamic filtering firewall.
40. El-Rafie, US Patent Number 6,968,394, teaches asymmetric satellite-based Internet service (see title).

Art Unit: 2155

41. Ramaswamy, US Patent Number 6,423,892, teaches while playing one of the music files that has already been retrieved, retrieving additional music files ((Col 4 lines 26-32).
42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang  
November 28, 2006

